IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORP.,	§	No. 2:06CV-165 (DF)
Plaintiff	§	Hon. David J. Folsom
	§	JURY TRIAL DEMANDED
vs.	§	
	§	**DECLARATION OF JOE FERTAL IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS FOR LACK OF PROPER VENUE**
CITY NATIONAL CORPORATION; and CITY NATIONAL BANK,	§	
	§	
Defendants.	§	
	§	

I, Joe Fertal, declare as follows:

1. I am currently the Senior Vice President, Banking Services & Item Processing Services at City National Bank (the "Bank"). I am responsible for managing "Bank Support and Item Processing Services" which includes the processing of all checks by the Bank. I make this declaration in support of Defendants' Motion to Dismiss for Lack of Proper Venue in the matter of DataTreasury Corp. v. City National Corporation, *et al.*, No. 2:06CV-165 (DF), pending in the United States District Court for the Eastern District of Texas. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. The Bank's procedures for the processing of checks, documents, receipts, or payments do not require the Bank to direct any actions at the Eastern District of Texas. Regardless of a check's origin or the location of the bank on which the check is drawn, the Bank does not have direct contact with any banks outside of California or New York as part of check processing procedure.

3. The Bank is required to process all checks cashed by its customers regardless of the institution upon which the check is drawn.

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4. The Bank has an AA membership in The Clearing House. SVPCo is the check and electronic clearing service of The Clearing House. The Bank has never used The Clearing House or SVPCo to process checks, documents, receipts or payments in the Eastern District of Texas. Rather, the only services for which the Bank uses The Clearing House or SVPCo are the coordination of the local exchange of paper checks, and online settlement and adjustments, which the Bank uses to calculate and confirm the settlement of locally exchanged paper checks, and to make adjustments. The SVPCo online settlement and adjustments service is simple: Each participating bank enters aggregate financial information into the SVPCo computer about the checks presented to each participating local bank. The SVPCo system then allows the Bank to check the balance it owes to, or is owed by, each participating local bank. The numbers obtained from SVPCo are used to confirm the Bank's internal calculations based on the checks physically exchanged with the participating local banks.

5. Bank customers can access images of their paid checks through the Bank's online banking services. After a paper check is received at a branch location, via bank by mail through a post office box, a deposit courier service, by courier from the Federal Reserve or The Clearing House Exchange location, or internal department, it is delivered to a central Processing facility in Los Angeles or Alameda, California. The paper checks are image captured and stored at this facility. After imaging is complete, Bank customers are offered access to their imaged checks. When a Bank customer requests a check image, it is retrieved directly from the central processing facility in Los Angeles.

Executed on JUNE 1, 2006, 2006, at LOS ANGELES.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Joe Fertal